IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

MELVIN L. PERKINS   **PLAINTIFF**

v.   **CIVIL ACTION NO. 1:19-cv-00081-RHWR**

ELVIN WHITAKER et al.   **DEFENDANTS**

ORDER OF DISMISSAL

This cause is before the Court, following Plaintiff Melvin L. Perkins's failure to respond to the January 20, 2022 Order to Show Cause [61], which required him to show cause by no later than February 4, 2022, why the remaining claims in this case should not be dismissed without prejudice because he has failed to keep the Court apprised of his current address. Plaintiff was warned in numerous Orders that his failure to keep the Court apprised of his current address could result in the dismissal of this suit for failure to prosecute and obey Court Orders. Plaintiff was warned that failure to comply with the Order to Show Cause within the prescribed period would be deemed a purposeful delay and contumacious act by him and could result in immediate dismissal of the claims against the remaining Defendants, without prejudice, without further notice to the Plaintiff.

The Court has the authority to dismiss an action for a plaintiff's failure to prosecute under Federal Rule of Civil Procedure 41(b) and under its inherent authority to dismiss an action *sua sponte. See Link v. Wabash R.R. Co.*, 370 U.S. 626, 630-31 (1962); *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). Because

Plaintiff is proceeding pro se, the failure or refusal to abide by the Court's Orders can only be attributed to him. The Court's attempts to prompt diligent prosecution through lesser sanctions than dismissal have proven to be futile. *See Tello v. Comm'r,* 410 F.3d 743, 744 (5th Cir. 2005).

IT IS THEREFORE ORDERED that the claims against any remaining Defendants are dismissed without prejudice under Federal Rule of Civil Procedure 41(b) due to Plaintiff's failure to prosecute and obey Court Orders.

SO ORDERED, this the 8th day of February, 2022.

s/ Robert H. Walker

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE